

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

| | | |
|---------------------------------|---|--------------------|
| KATHERINE SUMNER BACON, | : | 07 Civ. 7206 (LLS) |
| Plaintiff, | : | |
| v. | : | <u>OFFER OF</u> |
| | : | <u>JUDGMENT</u> |
| DAVID SPILLER, UNA SPILLER, GUY | : | |
| CARPENTER, INC. & SIRVA | : | |
| RELOCATION, LLC, | : | |
| Defendants. | : | |

-----X

-----X

| | | |
|--------------------------------|---|--|
| DAVID SPILLER AND UNA SPILLER, | : | |
| Third-Party Plaintiffs, | : | |
| v. | : | |
| CARTUS CORPORATION, | : | |
| Third-Party Defendant. | : | |

-----X

To: Katherine Sumner Bacon
c/o Mitchell J. Baker, Esq. as counsel

Defendants/Third Party Plaintiffs David Spiller and Unni Spiller s/h/a Una Spiller (the "Spillers"), pursuant to Federal Rule of Civil Procedure 68, hereby offers to allow judgment to be entered against it in the amount of \$100,000, in full and final resolution of all issues raised in plaintiff's complaint and asserted against the defendants/third party plaintiffs the Spillers. This offer is limited to the amount set forth above, which includes costs and attorneys' fees, and is not subject to the accrual of interest. This offer is not to be construed as any admission of fault on the part of the defendants/third party plaintiffs

and is not a waiver or relinquishment of defendants/third party plaintiffs' claims asserted
by way of third party claims filed in this action.

Dated: New York, New York
April 10, 2008

By: Kathyanne Cohen
Jonathan P. Wolfert (JW-9899)
Kathyanne Cohen (KC-1710)
KAPLAN, THOMASHOWER
& LANDAU LLP
26 Broadway, 20th Floor
New York, New York 10004
(212) 593-1700

Attorneys for Defendants/Third Party
Plaintiffs David Spiller and Unni
Spiller s/h/a Una Spiller

To: Mitchell J. Baker, Esq.
BAKER, LESHKO, SALINE
& BLOSSER, LLP
One North Lexington Avenue
White Plains, New York 10601

Attorneys for Plaintiff
Katherine Sumner Bacon

Karen M. Berberich, Esq.
DOMBROFF GILMORE JAQUES
& FRENCH
40 Broad Street, Suite 701
New York, New York 10004

Attorneys for Defendant/Cross-
Claim Defendant Sirva Relocation, LLC

Vanessa M. Corchia, Esq.
ARMIENTI, DEBELLIS, GUGLIELMO
& ROHDEN, LLP
44 Wall Street, 18th Floor
New York, New York 10005

Attorneys for Third-Party Defendant
Cartus Corporation

STATE OF NEW YORK)
): ss.:
COUNTY OF NEW YORK)

KATHYANNE COHEN, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides in New York, New York.

On April 10, 2008, I filed the foregoing Offer Of Judgment with the Clerk of the Court using the CM/ECF system which sends electronic notification of such filing to counsel of record that are Filing Users and/or E-Filers. In addition, I served the foregoing Offer Of Judgment, by depositing true copies of same enclosed in postage prepaid, properly addressed wrappers, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed to the following attorneys of record:

Mitchell J. Baker, Esq.
BAKER, LESHKO, SALINE
& BLOSSER, LLP
One North Lexington Avenue
White Plains, New York 10601

Attorneys for Plaintiff
Katherine Sumner Bacon

Karen M. Berberich, Esq.
DOMBROFF GILMORE JAQUES
& FRENCH
40 Broad Street, Suite 701
New York, New York 10004

Attorneys for Defendant/Cross-
Claim Defendant Sirva Relocation, LLC

Vanessa M. Corchia, Esq.
ARMIENTI, DEBELLIS, GUGLIELMO
& ROHDEN, LLP
44 Wall Street, 18th Floor
New York, New York 10005

Attorneys for Third-Party Defendant
Cartus Corporation

Kathyanne Cohen
KATHYANNE COHEN

Sworn to before me this
10th day of April 2008

Marilyn Decos
Notary Public

MARILYN DECOS
Notary Public State of New York
No. 41-4879924
Qualified in Queens County
Commission Expires Dec. 15, 2010